

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ASHLEY GLYNN BRANCH,

Plaintiff,

v.

JESSICA LONGLEY, *et al.*,

Defendants.

Case No. 3:22-cv-00410-MMD-CSD

ORDER

Pro se Plaintiff Ashley Glynn Branch brings this action asserting an Eighth Amendment violation for excessive bail. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Craig S. Denny (ECF No. 3), recommending Branch’s case be dismissed without prejudice and his application to proceed *in forma pauperis* (“IFP Application”) be denied as moot so Branch may file a petition for writ of habeas corpus. Plaintiff had until October 3, 2022, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss this case.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct de novo review, and is
2 satisfied Judge Denney did not clearly err. Here,
3 Judge Denney recommends the case be dismissed and Branch's IFP Application be
4 denied as moot so that Branch may file a petition for writ of habeas corpus, as the
5 Supreme Court and the United States Court of Appeals for the Ninth Circuit have held
6 that is the appropriate remedy for the excessive bail allegation forming the basis of
7 Branch's complaint. The Court agrees with Judge Denney. Having reviewed the R&R and
8 the record in this case, the Court will adopt the R&R in full.

9 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
10 No. 3) is accepted and adopted in full.

11 It is further ordered that this case is dismissed, in its entirety, without prejudice.

12 It is further ordered that Branch's IFP Application (ECF No. 1) is denied as moot.

13 The Clerk of Court is directed to enter judgment accordingly and close this case.

14 DATED THIS 11th Day of October 2022.

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18 MIRANDA M. DU
19 CHIEF UNITED STATES DISTRICT JUDGE
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